

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DOUGLAS MCKINLEY, II, et al.,
Plaintiffs,
v.
COUNTY OF FRESNO, et al.,
Defendants.

No. 1:21-cv-00754-NONE-SAB

ORDER DIRECTING CLERK OF COURT
TO ASSIGN DISTRICT JUDGE AND
DISMISSING ACTION DUE TO
PLAINTIFFS' FAILURE TO COMPLY
WITH A COURT ORDER AND FAILURE
TO PAY FILING FEE

(Doc. No. 5)

Plaintiffs Douglas McKinley, II, and Joanna McKinley filed the complaint commencing this action on May 10, 2021. (Doc. No. 1.) Along with the complaint, one of the plaintiffs filed an application to proceed *in forma pauperis* in this action. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On May 12, 2021, the magistrate judge ordered plaintiffs to file long form applications to proceed *in forma pauperis*, however, plaintiffs never submitted such applications nor otherwise responded to the order. (Doc. No. 3.) On June 10, 2021, the assigned magistrate judge issued findings and recommendations, recommending that the already submitted application to proceed *in forma pauperis* be denied. (Doc. No. 4.) The findings and recommendations were served on plaintiffs and contained notice that any objections thereto were to be filed within twenty-one days from the date of service. (*Id.* at 3–4.) No objections were filed.

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On July 15, 2021, the findings and recommendations were adopted in part. (Doc. No. 5.) Plaintiff Joanna McKinley's application to proceed *in forma pauperis* was denied without prejudice. (*Id.* at 2.) Both plaintiffs were granted an additional twenty-one days from the date of entry of the order to submit long form applications to proceed *in forma pauperis* or pay the filing fee for this action. (*Id.*) Plaintiffs were also warned that if they failed to comply with the order, the action would be dismissed for failure to pay the filing fee and failure to comply with a court order. (*Id.* at 3.) Plaintiffs did not file an application to proceed *in forma pauperis*, pay the filing fee, or otherwise communicate with the court.

Accordingly,

1. This action is dismissed, without prejudice, due to plaintiffs' failure to obey a court order, and failure to pay the filing fee; and
2. The Clerk of the Court is directed to assign a district judge to this case for the purpose of closing the case and then to close this case.

IT IS SO ORDERED.

Dated: August 17, 2021


UNITED STATES DISTRICT JUDGE